

WATER PERMIT NO. 6249-3

Name of Applicant: Lynell Hofer

Address: 27618 431st Ave, Freeman SD 57029 Phone: 605 925-7140

Amount of Water Claimed: 0.86 cfs Total Acres: 60

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation County: Hutchinson

Type of Waste Disposal System:

Location: approximately 9 miles west of Freeman

PRIORITY Date Received: 1-12-2001

Fee: \$150

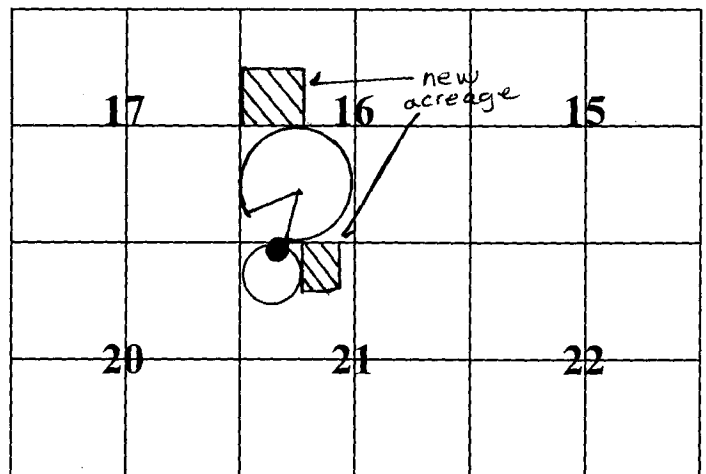
Corrected Application Received:: 1-22-2001

Period of Annual Use: May 1 – October 1

Remarks: Using existing well authorized by Water Permit No. 6035-3

Diversion Point: NW ¼ NW ¼ Sec 21-T99N-
R57W

Land to be Irrigated: SW ¼ NW ¼ Sec 16 and
NE ¼ NW ¼ Sec 21; both in T99N-R57W



Depth of Well: 240

Well Driller: : Wetmore Drilling

Remarks:

Type of Map: aerial

Prepared by: Robert A Kennolt, NRCS

Reviewed and the Number Assigned on: 1-22-2001

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 6249-3

Date of first receipt of application January 12, 2001.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6249-3 to Lynell Hofer, 27618 431st Ave, Freeman SD 57029 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6249-3 appropriates 0.86 cubic feet of water from one existing well (Lower James Missouri Aquifer) approximately 240 feet deep located in the NW ¼ NW ¼ Section 21 to irrigate 60 acres located in the SW ¼ NW ¼ Section 16 and NE ¼ NW ¼ Section 21; all in T99N-R57W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 1.
3. The date from which applicant may claim right is January 12, 2001.
4. The date of approval of Permit No. 6249-3 is March 19, 2001.
5. One-fifth of the construction is to be completed on or before September 19, 2003.
6. All construction is to be completed on or before March 19, 2006.
7. Water is to be put to beneficial use on or before March 19, 2010.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

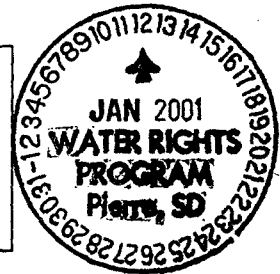
By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 04 2001

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>6249-3</u>	Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>	
	Newspaper <u>Freeman Courier, Freeman SD 57029-0950</u>	



Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right Amendment/Correction to Permit No. 6035-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

Just add SW 1/4 of NW 1/4 of 16 + NE 1/4 NW 1/4, Sec. 21; both in
T99N-R57W

- Name of Applicant Lynell Hofer Phone 925 7140
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 27618 431st ave Freeman SD 57029
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 86 *CFS or 387 **GPM ***AF Total Acreage 60
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply well
- Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
NW 1/4 of NW 1/4 of 21 - (an existing well)
T99N-R57W County Hutchinson
- County or counties where water will be used Hutchinson
- Annual period during which water is to be used May 1 to Oct 1
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>SW 1/4 of NW 1/4 of 16 -</u>	<u>40</u>		
<u>NE 1/4 of NW 1/4 of 21</u>	<u>20</u>		
<u>Both in T99N-R57W</u>			

8. Give a description of the project. (Attach sheet if more space is needed)

To add 40 acres in section 16 + 20 acres in 21
all water comes from well in section 21 Permit No. 6035-3

STATE OF SOUTH DAKOTA) SS
County of Hutchinson

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Lynell Hofer, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Lynell Hofer

Subscribed and sworn to before me this 16 day of January 2001

Mary A. Grede

Notary Public signature

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

Permit 6035-3

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

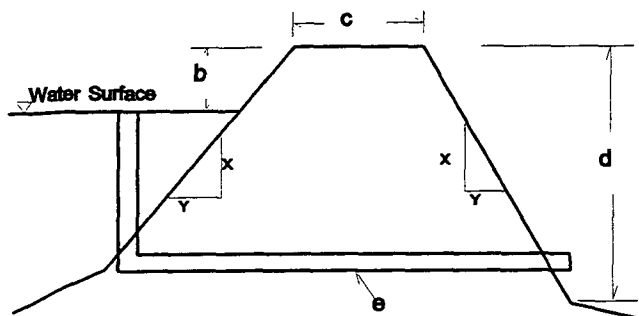
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

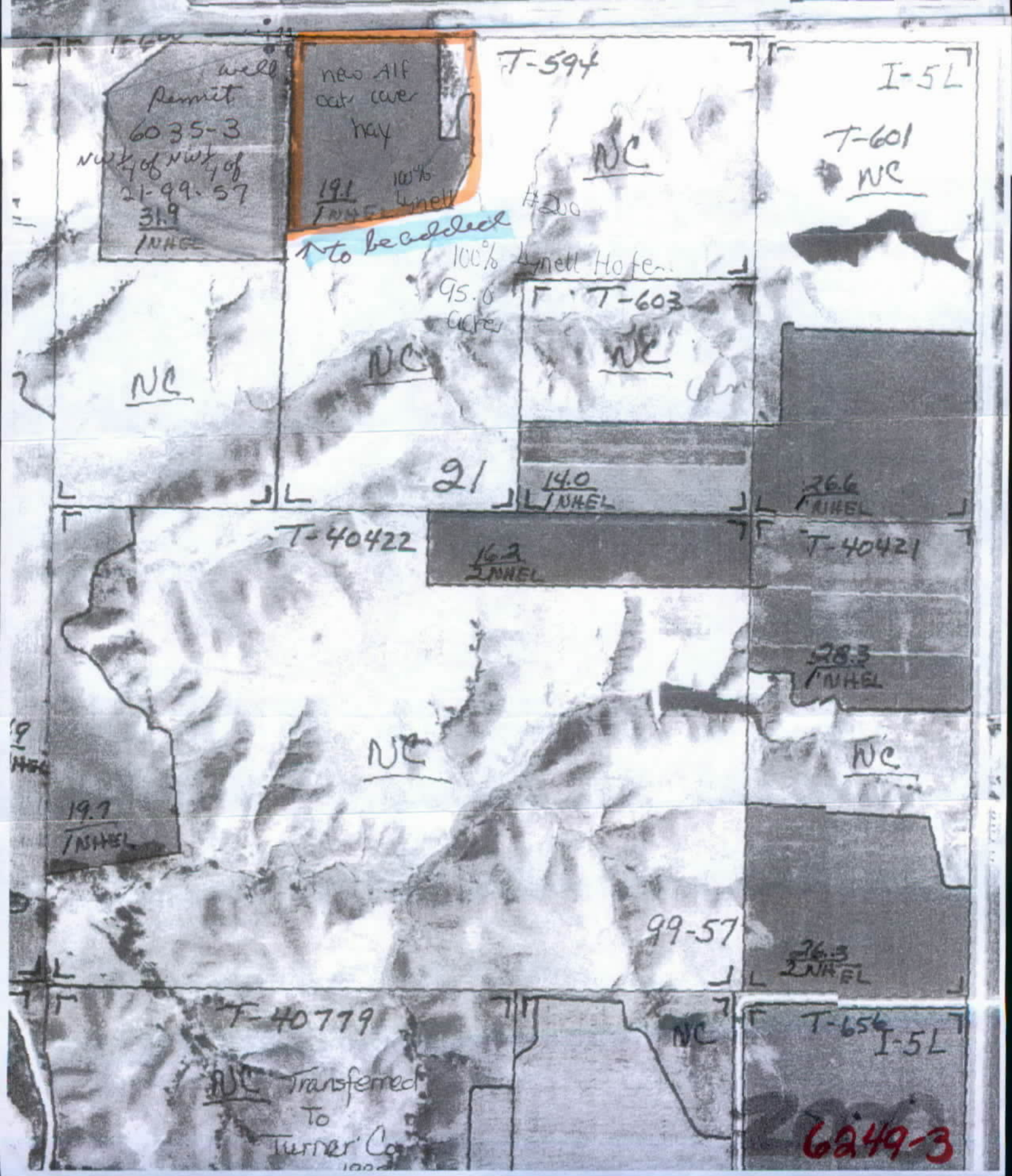
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

A hand-drawn map of a property, likely a farm or ranch, showing various lots and areas. The map is divided into several sections, some of which are labeled with lot numbers and other identifiers. The following are the labels and annotations visible on the map:

- Top Left:** Lot T39815, labeled "NC".
- Top Right:** Lot T568, labeled "NC". To its right is a section labeled "8.4 / 3 NHFL" and "II-4L".
- Middle Left:** Lot T3503, highlighted with an orange border. Below it is a section labeled "39.0 / 1 NHFL".
- Middle Center:** A large area labeled "To Be added" with an arrow pointing to it. Below this area is a section labeled "35.6 / 2 NHFL".
- Middle Right:** Lot T41395, labeled "beaver inn". Below it is a section labeled "74.5 / 1 NHFL".
- Bottom Left:** Lot T598, labeled "NC". Below it is a section labeled "4.6 / 1 NHFL".
- Bottom Center:** Lot T41396, labeled "16". Below it is a section labeled "39.2 / 1 NHFL".
- Bottom Right:** Lot T40140, labeled "NC". Below it is a section labeled "40.7 / 1 NHFL".
- Far Bottom Left:** Lot T4084, labeled "NC". Below it is a section labeled "11.6 / 1 NHFL".
- Far Bottom Center:** Lot T602, labeled "NC". Below it is a section labeled "39.8 / 1 NHFL".
- Far Bottom Right:** Lot T41397, labeled "NC". Below it is a section labeled "9.4 / 1 NHFL".
- Bottom Center (Handwritten):** "Robert A. Kinnel" and "1-16-2001".
- Bottom Center (Handwritten):** "109.5 / 2 NHFL".
- Bottom Right (Handwritten):** "99-57".



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416732

Pierre, January 16, 2001

RECEIVED OF Lynell Hofer, 27618 431st Ave, Freeman SD 57029
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 6249-3 to Appropriate Water, to construct
and to put water to beneficial use _____

150 00

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 6249-3 _____

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

200 00

By Darland Erbe
Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

Lynell Hofer
27618 431st Ave
Freeman SD 57029

Dear Mr. Hofer:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation. The application is being returned because it needs to be signed by you and a notary public.

Please complete Item No. 2 of the application, the amount of water claimed. State statutes allow 1 cubic feet of water per second (cfs) (450 gallons per minute) for each 70 acres irrigated. This means that you are allowed 0.86 cfs (387 gpm) for the 60 acres to be irrigated. The Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires. However, you will need to submit written justification for the reason you need the greater rate. What diversion rate is needed to operate these pivots?

The map is being returned because it must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6249-3, Lynell Hofer**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6249-3, Lynell Hofer, 27618 431st Avenue, Freeman, SD 57029.

The Chief Engineer is recommending APPROVAL of Application No. 6249-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
February 20, 2001

REPORT ON WATER PERMIT APPLICATION NO. 6249-3
for Lynell Hofer
February 12, 2001

Application No. 6249-3 proposes to appropriate 0.86 cfs (386 gpm) from an existing well approximately 240 feet deep located in the NW 1/4 NW 1/4 of section 21 to irrigate 60 acres located in the SW 1/4 NW 1/4 of section 16 and NE 1/4 NW 1/4 of section 21; all in T99N R57W in Hutchinson County.

AQUIFER - LOWER JAMES MISSOURI (LJM)

The Lower James Missouri is a buried outwash (sand and gravel) which is under confined conditions in this immediate area but under water table conditions over most of Hutchinson County. The aquifer underlies 268 square miles and contains an estimated 2.367 million acre feet of water in storage in Hutchinson County (Lindgren, 1990). Ground water movement is from northeast to southwest in this area and toward the James River (Lindgren, 1990).

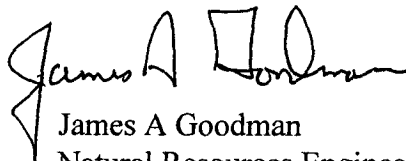
The Water Rights Program does monitor 11 observation wells completed into the Lower James Missouri aquifer. One of these observation wells (HT-81D) is located within a few hundred feet of the irrigation well for this application. Water levels for this well show good response to climatic conditions and the effects of pumping. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2001). A hydrograph of observation well HT-81D is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing irrigation well located about 1100 feet northeast of the well for this application. Both wells are also owned by the applicant. Interference does occur. That is, drawdown created by pumping of either well will extend to the other well. This is shown by the observation well hydrograph. The magnitude of the drawdown does not appear to be significant and should not cause a problem.

CONCLUSIONS

1. Water is available from the Lower James Missouri aquifer.
2. The aquifer is buried and technically under artesian conditions at this site. However, the water levels behave more like the aquifer is under water table conditions. Drawdown created by pumping does appear to be significant and interference is not a concern. This is shown by the observation well hydrograph.
3. This is an existing well and completion information is not available to determine if the well was constructed in accordance with SD Well Construction Standards.



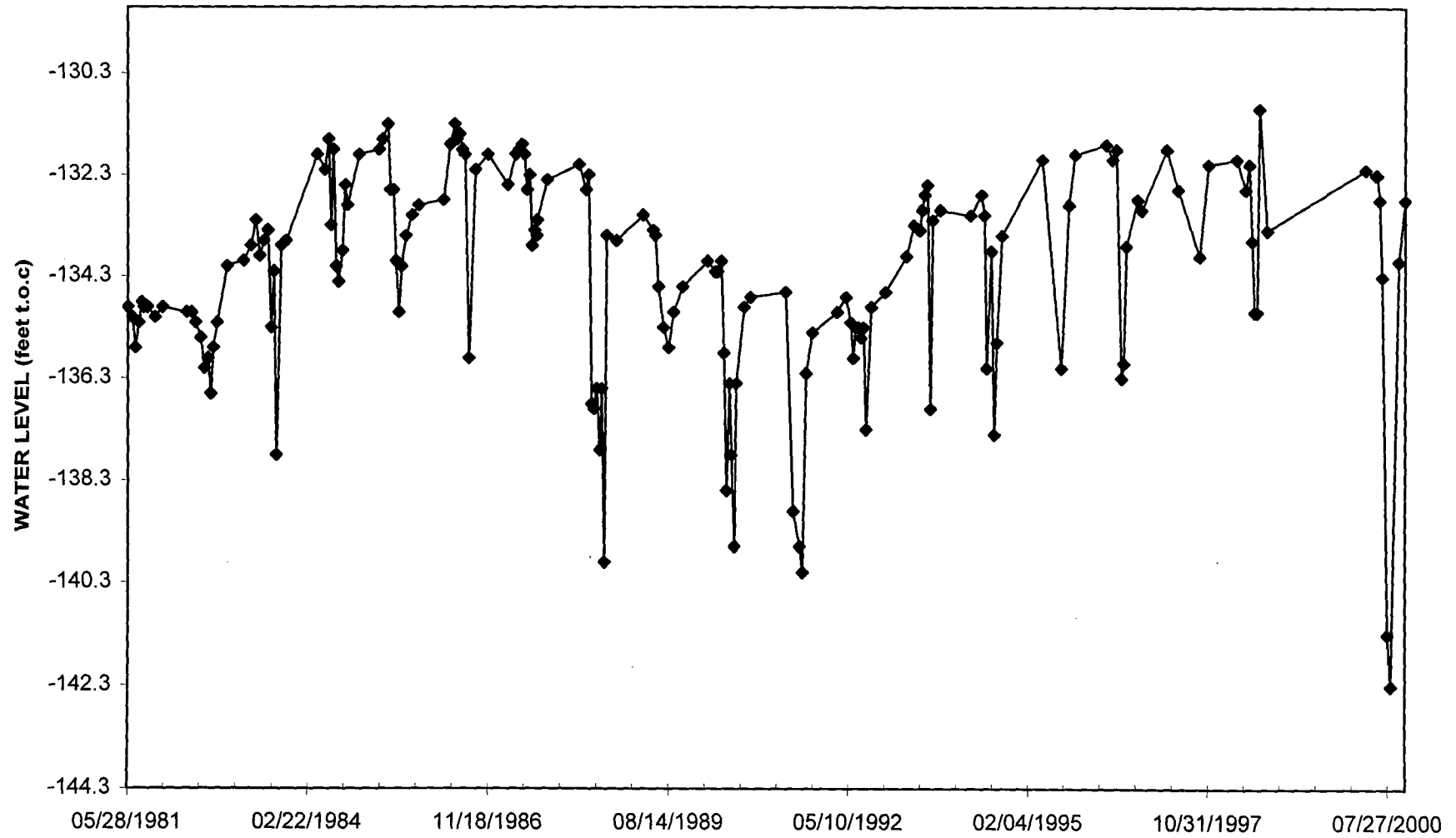
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, WRI 90-4093, USGS, Huron, SD, 57350.

Water Rights, 2001, Unpublished Observation Well Data for Hutchinson County, SD
DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
HT-81D





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

February 20, 2001

Lynell Hofer
27618 431st Ave
Freeman, SD 57029

Dear Mr. Hofer:

Water Permit Application No. 6249-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Freeman Courier printed at Freeman, SD (Ph # 605-925-4684). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 20, 2001

Freeman Courier
PO Box 950
Freeman, SD 57029-0950

ATTENTION: Legal Public Notice

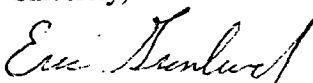
Enclosed is a Notice of Hearing on Application No. 6249-3 to Appropriate Water to be published twice. Please publish the first notice on February 28, 2001 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Lynell Hofer, 27618 431st Ave., Freeman, SD 57029 (Ph # 605-925-7140).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, please send us an affidavit or use the enclosed Proof of Publication form. The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 6249-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of February 20, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 6249-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on February 28, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6249-3 to Appropriate Water

Notice is given that Lynell Hofer, 27618 431st Ave, Freeman SD 57029 has filed an application for a water permit to appropriate 0.86 cubic feet of water from one existing well (Lower James Missouri Aquifer) approximately 240 feet deep located in the NW ¼ NW ¼ Section 21 to irrigate 60 acres located in the SW ¼ NW ¼ Section 16 and NE ¼ NW ¼ Section 21; all in T99N-R57W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6249-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 19, 2001.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

County of Hutchinson)
) ss.
State of South Dakota)

Tim L. Waltner, of said county and state, being duly sworn, on his oath, deposes and says: That the Freeman Courier is a weekly newspaper of general circulation and a legal newspaper as required by law, printed and published in the town of Freeman in said county and state by Tim L. Waltner, and has been such newspaper during the time hereinafter mentioned: That I, Tim L. Waltner, the undersigned, am publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement headed **Notice of Application**

a printed copy of which is hereto attached, was printed and published in the said newspaper for two successive issues to-wit:

The first publication on:
February 28, 2001

the second publication on:
March 7, 2001

and the third publication on:

That the full amount of the fees charged for publishing the same to-wit: The sum of **\$36.77** insures solely to the benefit of the publisher of the Freeman Courier, that no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of **\$36.77** is the rate for publishing legal notices.

Tim L. Waltner

Subscribed and sworn to before me this 31st day of March 2001.

Linda Weig

Notary Public
Commission expires: 10/9/06

Publication fee: **\$36.77**

Notary fee:

Total: **\$36.77**



NOTICE OF APPLICATION NO. 6249-3 to Appropriate Water

Notice is given that Lynell Hofer, 27618 431st Ave, Freeman SD 57029 has filed an application for a water permit to appropriate 0.86 cubic feet of water from one existing well (Lower James Missouri Aquifer) approximately 240 feet deep located in the NW 1/4 NW 1/4 Section 21 to irrigate 60 acres located in the SW 1/4 NW 1/4 Section 16 and NE 1/4 NW 1/4 Section 21; all in T99N-R57W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6249-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

APR 04 2001

Lynell Hofer
27618 431st Ave.
Freeman, SD 57029

Dear Mr. Hofer:

Enclosed is Water Permit No. 6249-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Permit No. 6249-3 and Right No. 6035-3
James River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **June 18, 2002**, made a thorough examination of the water use system constructed by **Lynell Hofer** of **27618 431th Avenue, Freeman SD 57029** holder of Permit No. **6249-3 and Right No. 6035-3**, bearing the priority of **February 10, 1997, April 2, 1981, May 14, 1984 and January 12, 2001** authorizing the diversion of **0.86 and 1.77** cu. ft. per second of the waters of **Lower James: Missouri Aquifer** for **irrigation** purposes, in **Hutchinson** County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

A 240 foot deep well with a U.S. Electric motor and Western Land Roller pump

B. Works used to transport water to place of use:

Underground pipeline convey water from the well to two of the center pivots and an overground pipeline to the windshield wiper pivot in the N ½ NW ¼ of Section 1, T99N, R57W.

C. Works used to apply water to beneficial use:

3 center pivots (3 tower, 6 tower and 8 tower)

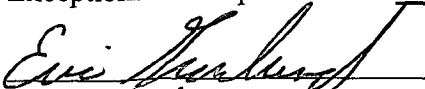
The system is in the following condition **good**. The point of diversion is located **approximately 1,050 feet east and 25 feet south of the NW corner (NW ¼ NW ¼) of Section 21, T99N, R57W (Lat/Lon – N43.385632 W-097.595144)**. The works are capable of diverting and conveying to the place of use **1.78** cu. ft. per second of water (800 gpm) which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows: **all in T99N, R57W**

Legal Description	Acres	Priority Date
SW ¼ NW ¼ Section 16	32	January 12, 2001
NW ¼ SW ¼ Section 16	32	April 2, 1981
NE ¼ SW ¼ Section 16	32	April 2, 1981
SW ¼ SW ¼ Section 16	14	February 10, 1997
SE ¼ SW ¼ Section 16	32	April 2, 1981
NW ¼ NW ¼ Section 21	25	May 14, 1984
NE ¼ NW ¼ Section 21	20	May 14, 1984 (7 acres) & January 12, 2001 (13 acres)
TOTAL	187	

comprising a total of **187** acres of land and the license should be issued for **1.78** cfs.

Applicable permit qualifications have been complied with: **YES**

Exceptions to compliance are: **none** Date Report Completed: **July 31, 2002**


Eric Gronlund

Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR
PERMIT NO. 6249-3 and Right No. 6035-3

DATE OF INVESTIGATION:	June 18, 2002
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Lynell Hofer 27618 431th Avenue Freeman SD 57029
NAME & ADDRESS OF PERMIT HOLDER	Same
DIVERSION POINT LEGAL LOCATION	<u>approximately 1,050 feet east and 25 feet south</u> <u>of the NW corner (NW ¼ NW ¼) of Section 21,</u> <u>T99N, R57W (Lat/Lon – N43.385632 W-</u> <u>097.595144)</u>

WATER SUPPLY Source: one well developed into the Lower James Missouri Aquifer

Well Information:

- | | |
|---------------------------------------|------------------------------------|
| 1) Well Drilling Firm: <u>Wetmore</u> | 2) No. of Wells <u>one</u> |
| 3) Depth(s) <u>approx. 240</u> feet | 4) Well log is available <u>no</u> |

Casing:

- | | |
|------------------------------|-------------------------------|
| 1) Diameter <u>18</u> inches | 2) Length <u>unknown</u> feet |
| 3) Type <u>PVC</u> | |

Screen:

- | | |
|---|-------------------------------|
| 1) Type <u>stainless</u> | 2) Length <u>unknown</u> feet |
| 3) Static water level <u>unknown</u> feet | |

Pump:

- | | |
|------------------------------------|----------------------------|
| 1) Make <u>Western Land Roller</u> | 2) Model # |
| 3) Size # | 4) Capacity <u>800</u> GPM |

Motor:

- | | |
|--|--|
| 1) Make <u>US Electric (high thrust)</u> | 2) Model No. <u>frame 365-TP- RPM 1770</u> |
| 3) Horsepower rating <u>75</u> hp | |

DISTRIBUTION LINES OR CANALS:

- 1) Type steel 2) Size 8 inches 3) Length approx. 3000 feet

SYSTEM TYPE:

Center pivot: in SW ¼ NW ¼ Section 16

- | | |
|-------------------------------------|-----------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>640</u> feet |
| 3) Number of towers <u>3</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>high</u> | 6) Capacity <u>800</u> GPM |

Center pivot: in SW ¼ Section 16

- | | |
|-------------------------------------|-------------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>1,320</u> feet |
| 3) Number of towers <u>8</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>high</u> | 6) Capacity <u>800</u> GPM |

Center pivot: in N ½ NW¼ Section 21 (windshield wipe) - center of pivot located approximately 75 feet east of well

- | | |
|------------------------------|---|
| 1) Make <u>Valley</u> | 2) Overall length <u>approx. 1,100</u> feet |
| 3) Number of towers <u>6</u> | 4) End gun <u>yes</u> |

5) High or low pressure low

6) Capacity 800 GPM

CHEMIGATION EQUIPMENT:

1) Does chemigate no

PERMIT QUALIFICATIONS AND REGULATIONS:

1) Special qualifications to permit being abided by yes

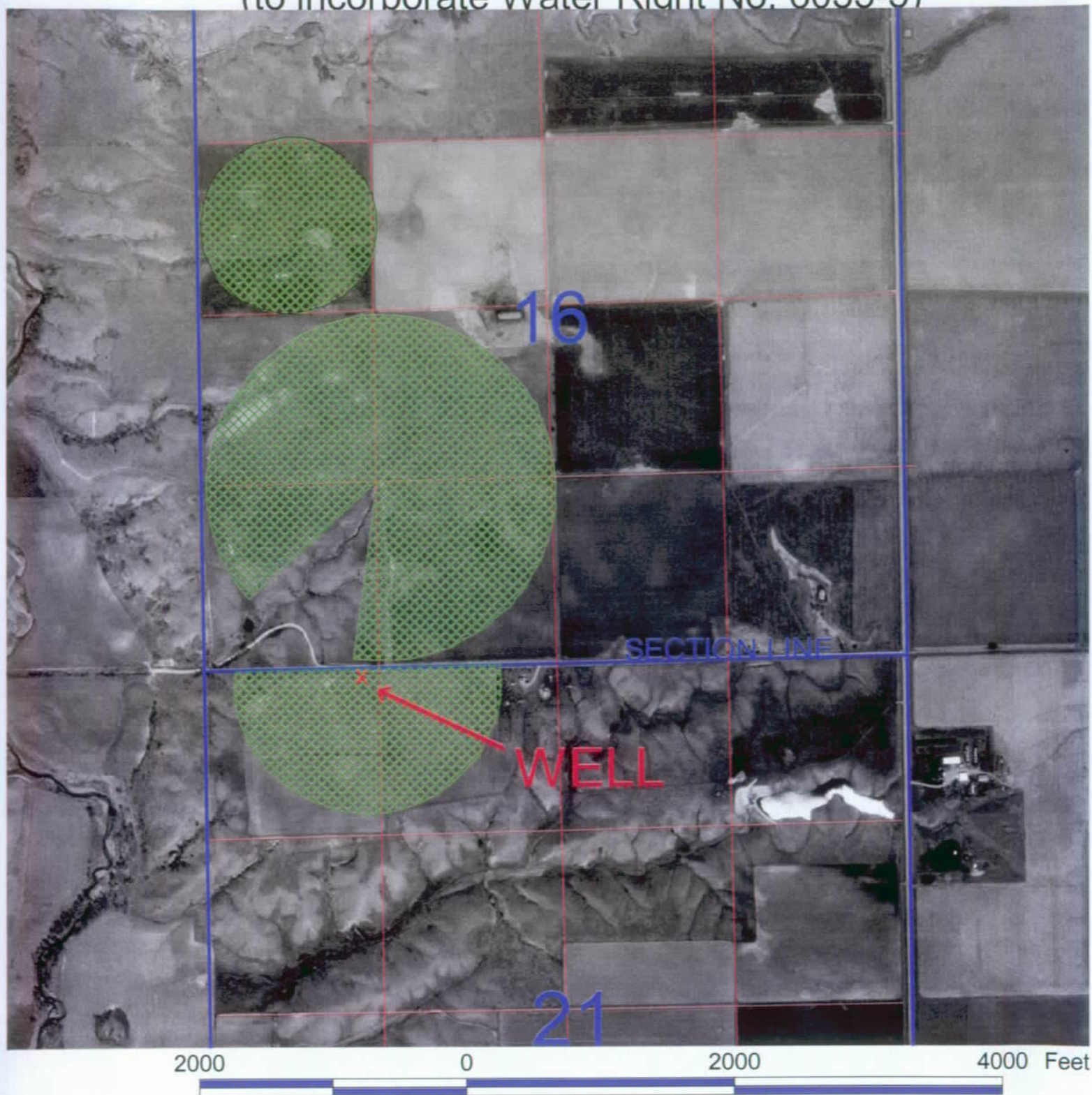
2) All structures, wells and lands on map yes

3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

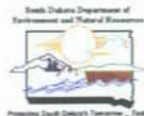
- Pivot is the SW $\frac{1}{4}$ of Section 16 was operating at the time of the licensing investigation.

- Only one pivot is operated at a time

Water Permit No. 6249-3, Lynell Hofer
(to incorporate Water Right No. 6035-3)



Well Location - approximately 1050 feet east and 25 feet south
of the NW corner (NW 1/4 NW1/4) of Section 21, T99N, R57W
Lat/Lon N43.385632 W-097.595144



Eric Gronlund

Eric Gronlund
Water Rights Program
Licensing Investigation - June 18, 2002

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6249-3

(1) Lynell Hofer, 27618 431st Ave, Freeman SD 57029 made Application No. 6249-3, January 12, 2001 for a water permit to divert 0.86 cubic feet of water per second from groundwater (one existing well), Hutchinson County, South Dakota for irrigation purposes. Permit No. 6249-3, with a priority date of January 12, 2001 was approved March 19, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 19, 2006 and for the application to beneficial use of said water on or before March 19, 2010.

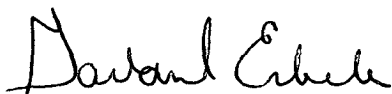
Water Right No. 6035-3 and this permit authorize irrigation from the same well. The applicable portions of Water Right No. 6035-3 are incorporated into this water license. The priority dates are described below.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 1,050 feet east and 25 feet south of the northwest corner of Section 21-T99N-R57W (NW ¼ NW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

			Priority Date
Section 16-T99N-R57W	SW ¼ NW ¼	32 acres	January 12, 2001
	NW ¼ SW ¼	32 acres	April 2, 1981
	NE ¼ SW ¼	32 acres	April 2, 1981
	SW ¼ SW ¼	14 acres	February 10, 1997
	SE ¼ SW ¼	32 acres	April 2, 1981
Section 21-T99N-R57W	NW ¼ NW ¼	25 acres	May 14, 1984
	NE ¼ NW ¼	20 acres	May 14, 1984 (7 acres) & January 12, 2001 (13 acres)
Total 187 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Lynell Hofer, 27618 431st Ave, Freeman SD 57029 the holder and/or owner of Incorporated Water Right No. 6249-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater (one well) with priority dates of April 2, 1981, May 14, 1984, February 10, 1997 and January 12, 2001 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Right No. 6249-3 and subject to South Dakota State Law.



GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 17 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

SEP 17 2002

6249-3

Lynell Hofer
27618 431st Ave
Freeman SD 57029

Dear Mr. Hofer:

Enclosed is Water License No. 6249-3. This is the final water right document completing your process of obtaining a Water Right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6249-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

NOTE: The applicable portions of No. 6035-3 are incorporated into Water License No. 6249-03 enclosures

Water Right No. 6249-3 and Water Permit Nos. 7508-3 & 7509-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Lynell Hofer's water rights

ADDRESS: 27618 431st Avenue, Freeman SD

COUNTY: Hutchinson County

DATE: March 18, 2015 TELEPHONE:

RE:

Lynell Hofer and Kerry Hofer came to the Water Rights Program office on March 18, 2015, to have a general discussion about their water rights.

Water Permit No. 7509-3 authorized additional acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ Section 16, T99N, R57W to what was authorized by Water Right No. 5980-3 and Water Permit No. 6927-3. Permit No. 7509-3 allowed the enlarging of the northern center pivot in the E $\frac{1}{2}$ of Section 16 and irrigation of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of this section from the well authorized by Water Right No. 5980-3. What actually occurred was the northern most pivot in the E $\frac{1}{2}$ was enlarged as planned. However the acreage in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16 was combined with the acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16 authorized by Water Right No. 6249-3 and a windshield wiper quarter section pivot was installed and is irrigated from the well in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21, T99N, R57W authorized by Water Right No. 6249-3.

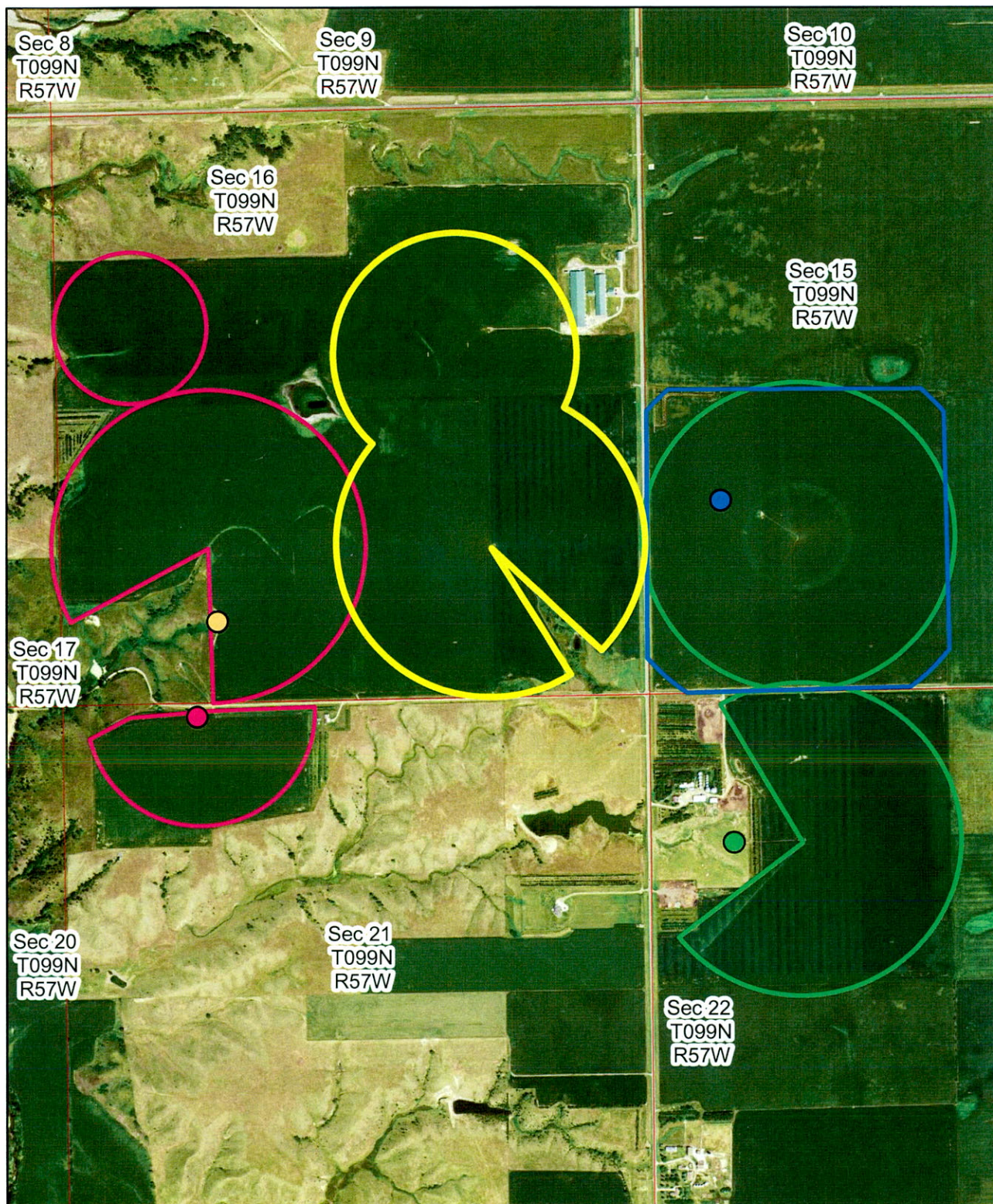
I believe this is something that can be handled at the time of licensing of Permit No. 7509-3 as no additional acres or diversion rate authority is needed. It may necessitate the reissuance of Water Right No. 6249-3.

Water Permit No. 7508-3 appropriated additional diversion rate authority, an additional well and irrigation of 18 new acres to what had been authorized by Water Right No. 6034-3. Lynell Hofer stated the well in the NW $\frac{1}{4}$ of Section 22 only produces 500 gpm and because of that they did not install the cornering system. After discussion it was decided that until the time to complete construction which is February 4, 2018 that they would have the ability to request an additional point of diversion and possibly drill a second well.

A map of what was believed to be the irrigation configuration and the actual configuration are attached.

NAME: Eric Hummel

Lynell Hofer Water Rights/Permits
as believed to be configured prior to Lynell and Kerry Hofer's March 18, 2015, office visit



Right No. 6249-3



Permit No. 7508-3



Right No. 6034-3



Permit No. 7509-3